

## Message Text

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ACTION IO-14

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TAGS: AORG, UNESCO, ECOSOC, UNGA

SUBJECT: 93RD EXBD ITEM 4.3.2 - UN UNIVERSITY

REFS.: A) USUN 3826; B) PARIS 25603

1. REVISIONS TO UN UNIVERSITY DRAFT CHARTER ANNEX AS PER REFTEL  
B AS FOLLOWS:

(1) ARTICLE I, ADD NEW PARAGRAPH AFTER PARAGRAPH 4.

BY VERTUE OF THE PRINCIPLE SET OUT IN PRARAGRAPH 6 (C) OF THE  
RESOLUTION, IT WOULD BE DESIRABLE TO ADD THE FOLLOWING WORDS  
AT THE END OF THE PARAGRAPH:

"THE UNIVERSITY AND ALL THOSE WHO WORK IN IT SHALL ACT IN  
ACCORDANCE WITH THE SPIRIT OF THE PROVISIONS OF THE UNITED  
NATIONS CHARTER AND THE CONTITUION OF UNESCO AND WITH THE  
FUNDAMENTAL PRINCIPLES OF CONTEMPORARY INTERNATIONAL LAW".

(2) ARTICLE I PARAGRAPH 5 REFTEL B NEW PARAGRAPH 6.

(3) ARTICLE III - IN VIEW OF THE PROPOSED CHANGE IN THE HEADING  
OF ARTICLE I, THIS ARTICLE WOULD NOW BE ENTITLED "ORGANIZATION".  
AS THE IDEAS EXPRESSED IN PARAGRAPH 1 ARE ALREADY INCLUDED IN THE  
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NEW WORDING OF ARTICLE I, PARAGRAPH 1, ARTICLE III, PARAGRAPH 1

COULD BE DELETED.

(4) ARTICLE III, PARAGRAPH 2 (NEW PARAGRAPH I)

(C) SINCE THE CENTRE, ALTHOUGH AN IMPORTANT ORGAN, IS NEVER-THELESS SUBORDINATE TO THE RECTOR, HE FOLLOWING AMENDMENT SHOULD BE MADE TO THE TEXT:

"...TO ASSIST THE RECTOR IN THE PROGRAMMING, CO-ORDINATION, SUPPORT, ADMINISTRATION AND FINANCING..."

(5) ARTICLE IV, PARAGRAPH 4, NEW SUB-PARAGRAPH (B)

AS THE COUNCIL SHALL FORMULATE PRINCIPLES AND POLITIES WHICH SHALL GOVERN THE ACTIVITIES AND OPERATIONS OF THE UNIVERSITY (AS STATED IN SUB-PARAGRAPH (A)), IT WOULD SEEM THAT ARRANGEMENTS SHOULD BE MADE FOR THE APPLICATION OF THESE PRINCIPLES, POLICIES AND GENERAL PROVISIONS BY MEANS OF STATUTES ADOPTED BY THE COUNCIL. IT WOULD THEREFORE APPEAR TO BE DESIRABLE THAT A NEW SUB-PARAGRAPH BE INCLUDED TO READ AS FOLLOWS:

(B) "ADOPT SUCH STATUTES AS MAY BE NECESSARY FOR THE APPLICATION OF THE CHARTER;"

(6) ARTICLE IV, PARAGRAPH 4, NEW SUB-PARAGRAPH (C)

TO CLARIFY THE LINKS BETWEEN THE COUNCIL AND THE RESEARCH AND TRAINING CENTRES AND PROGRAMMES, AND THE LEGAL OF THE LATTER, AND WITH A VIEW TO THE APPLICATION OF THE PRINCIPLES SET FORTH IN PARAGRAPH 6 (C, D AND E) OF THE RESOLUTION, IT WOULD BE DESIRABLE TO INCLUDE A NEW SUB-PARAGRAPH (C) READING AS FOLLOWS:

(C) "DECIDE UPON THE SETTING UP OR ASSOCIATION OF THE RESEARCH AND TRAINING CENTRES AND PROGRAMMES WHICH ARE TO CONSTITUTE THE TOTALITY OF THE UNIVERSITY IN DEVELOPED OR DEVELOPING COUNTRIES, ESTABLISHING STANDARD FOR THEIR OPERATION, EITHER ON ITS OWN AUTHORITY, IN CASES WHERE THEY ARE BEING SET UP, OR BY AGREEMENT IN CASES WHERE THEY ARE BEING ASSOCIATED."

(7) ARTICLE IV, PARAGRAPH 4: FORMER SUB-PARAGRAPH (B) WOULD THUS BECOME SUB-PARAGRAPH (D) AND SO ON.

(8) ARTICLE IV, PARAGRAPH 4 SUB-PARAGRAPH (F) (NEW SUB-PARAGRAPH G) AS PER REFTELLB, NOW (NEW SUB-PARAGRAPH H).

(9) ARTICLE IV, PARAGRAPH 5: THE SECOND SENTENCE IN THIS PARAGRAPH SHOULD READ: "IT SHALL ELECT ITS CHAIRMAN AND OTHER OFFICIALS AND SHALL ADOPT RULES OF PROCEDURE, INCLUDING..."

(10) ARTICLE V, PARAGRAPH 3, FIRST SENTENCE OF REFTEL B: SHOULD BE HEADED SUB-PARAGRAPH (B)

(11) ARTICLE V, PARAGRAPH 4 TO BE TRANSFERRED AS PARAGRAPH 3 OF UNCLASSIFIED

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ARTICLE VII (NEW)

(12) ARTICLE VII, I AS PER REFTEL B: CHANGE "AFFILIATION TO "ASSOCIATION"

(13) ARTICLE VII, 2. EACH RESEARCH AND TRAINING CENTRE OR PROGRAMME SHALL BE UNDER THE AUTHORITY OF A DIRECTOR. THE DIRECTORS SHALL COOPERATE WITH THE RECTOR, ESPECIALLY AS REGARDS THE COORDINATION OF PROGRAMMES AND RESEARCH".

(14) ARTICLE VII, 3. INSERT HERE PARAGRAPH 4 OF ARTICLE V.

(15) ARTICLE VII (NEW ARTICLE VIII)

PARAGRAPH 1

BEARING IN MIND THE PRINCIPLES SET OUT IN PARAGRAPH 6(D) OF THE  
RESOLUTION AND WHAT HAS BEEN SAID IN THIS ANNEX ABOUT ARTICLE 11,2  
THIS PARAGRAPH SHOULD READ AS FOLLOWS:

"THE ACADEMIC AND ADMINISTRATIVE STAFF OF THE UNIVERSITY SHALL  
BE SELECTED SOLELY WITH A VIEW TO ACHIEVING ITS STATES OBJECTIVES.  
THE BASIC CRITERIA FOR SELECTION SHALL BE THE HIGHEST STANDARDS OF  
EFFICIENCY, COMPETENCE AND INTEGRITY. WITH DUE REGARD TO APPROPRIATE  
REPRESENTATION IN TERMS OF GEOGRAPHY, SOCIAL SYSTEMS, CULTURAL  
TRADITIONS, AGE AND SEX".

PARAGRAPHS 2 TO 7

IN ACCORDANCE WITH THE PRINCIPLE SET FORTH IN PARAGRAPH 6(B) OF  
THE RESOLUTION, WITH THE OBJECT OF RESTRICTING TO THE MINIMUM  
NECESSARY THE NUMBER OF UNIVERSITY STAFF TO BE CONSIDERED AS  
INTERNATIONAL CIVIL SERVANTS , AND ALSO WITH A VIEW TO MAKING A  
CLEAR DISTINCTION BETWEEN THE PROVISIONS RELATING TO THE STATUS  
OF THE STAFF AND THOSE RELATING TO APPOINTMENT PROCEDURES, SEVERAL  
AMENDMENTS, NOT HOWEVER ESSENTIALLY ALTERING THE TEXT PROPOSED BY  
THE FOUNDING COMMITTEE, SEEM TO BE NECESSARY TO THESE PARAGRAPHS.  
FOR THE SAKE OF GREATER CLARITY, THE WORDING CONSIDERED ADVISABLE  
IS REPRODUCED BELOW IN FULL:

"2 THE PERSONNEL OF THE UNIVERSITY SHALL CONSIST OF:

(A) ACADEMIC PERSONNEL:....IRWIN

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(B) ADMINISTRATIVE PERSONNEL:

(C) TRAINEES,

IT BEING UNDERSTOOD THAT THE DISTRIBUTION OF PERSONNEL AMONG THESE CATEGORIES SHALL BE SUBJECT TO THE PROVISIONS OF THE STATUTES ADOPTED BY THE COUNCIL UNDER THE TERMS OF ARTICLE IV, PARAGRAPH 4, NEW SUB-PARAGRAPH (B)

3. THE ACADEMIC PERSONNEL SHALL BE COMPOSED OF

(A) THE RECTOR

(B) THE DIRECTING PERSONNEL I.E. THE RECTOR'S SENIOR COLLABORATORS AND THE DIRECTORS OF THE RESEARCH AND TRAINING CENTRES AND PROGRAMMES;

(C) RESEARCH PERSONNEL, VISITING PROFESSORS, VISITING FELLOWS AND CONSULTANTS, INCLUDING YOUNG SCHOLARS.

ALL MEMBERS OF THE ACADEMIC PERSONNEL SHALL ENJOY IN THEIR RESEARCH AND TRAINING WORK THE ACADEMIC FREEDOM GUARANTEED BY THE PROVISIONS OF ARTICLE II.

4. THE RECTOR AND - SAVE AS OTHERWISE PROVIDED IN THE STATUTES ADOPTED BY THE COUNCIL UNDER THE TERMS OF ARTICLE IV, PARAGRAPH 4, NEW SUB-PARAGRAPH (B) THE ACADEMIC PERSONNEL REFERRED TO IN PARAGRAPH 4 (B) AND SUCH ADMINISTRATIVE PERSONNEL AS MAY BE PROVIDED FOR BY THE COUNCIL IN THE UNIVERSITY BUDGET, SHALL BE COVERED BY THE PROVISIONS OF THE UNITED NATIONS STAFF REGULATIONS AND RULES, SUBJECT TO SUCH ARRANGEMENTS FOR SPECIAL RULES  
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OR TERMS OF APPOINTMENTS AS MAY BE AGREED UPON BY THE RECTOR AND THE SECRETARY-GENERAL. SUCH PERSONNEL SHALL BE OFFICIALS OF THE UNITED NATIONS WITHIN THE MEANING OF ARTICLE 105 OF THE CHARTER OF THE UNITED NATIONS AND OF OTHER INTERNATIONAL AGREEMENTS AND UNITED NATIONS RESOLUTIONS DEFINING THE STATUS OF OFFICIALS OF THE ORGANIZATION, AND ARTICLE 100 OF THE CHARTER SHALL APPLY TO THEM .

5. THE PERSONNEL REFERRED TO IN THE PRECEDING PARAGRAPH SHALL BE SOLELY RESPONSIBLE TO THE RECTOR IN THE EXERCISE OF THEIR FUNCTIONS.

6. THE ACADEMIC PERSONNEL REFERRED TO IN PARAGRAPH 4(B) AND SUCH ADMINISTRATIVE PERSONNEL AS MAY BE PROVIDED FOR IN THE UNIVERSITY BUDGET ESTABLISHED BY THE COUNCIL SHALL BE APPOINTED BY THE RECTOR ACTING ON BEHALF ON THE SECRETARY-GENERAL OF THE UNITED NATIONS, EXCEPT IN CASE OF AGREEMENTS TO THE CONTRARY FORESEEN IN ARTICLE IV, PARAGRAPH 4, SUB-PARAGRAPH (C)

7. THE ACADEMIC AND ADMINISTRATIVE PERSONNEL OTHER THAN THE

PERSONNEL REFERRED TO IN PARAGRAPHS 5 AND 7, AND THE TRAINEES SHALL, IN THE CASE OF PERSONNEL SERVING AT THE UNIVERSITY CENTRE BE APPOINTED BY THE RECTOR, AND IN OTHER CASES, SHALL BE APPOINTED IN ACCORDANCE WITH THE TERMS OF THE DECISION OF THE COUNCIL ESTABLISHING THE RESEARCH AND TRAINING CENTRE OR PROGRAMME IN QUESTION, OR OF THE AGREEMENT BRINGING SUCH CENTRE OR THE FRAMEWORK OF THE UNIVERSITY. SUCH STAFF SHALL ENJOY ANY PRIVILEGES OR IMMUNITIES WHICH MAY BE PROVIDED FOR IN AGREEMENTS CONCLUDED UNDER ARTICLE II, BUT SHALL NORMALLY NOT BE OFFICIALS OF THE UNITED NATIONS."

(16) ARTICLE IX (NEW ARTICLE X)

PARAGRAPH 2

FOR GREATER PRECISION, IT WOULD BE ADVISABLE TO AMEND THE PARAGRAPH TO READ AS FOLLOWS: "THE UNIVERSITY SHALL HAVE ITS HEADQUARTERS IN .....WHERE THE UNIVERSITY AUTHORITIES AND THE UNIVERSITY CENTRE SHALL BE LOCATED".

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(17) ARTICLE XIII (NEW)

PENDING THE RECOMMENDATIONS OF THE UNIVERSITY COUNCIL IN RESPECT OF THE CONDITIONS OF SERVICE OF THE DIFFERENT CATEGORIES OF THE UNIVERSITY'S PERSONNEL. THEIR STATUS WILL BE DETERMINED AS PROVIDED IN PARAGRAPHS 4, 5, 6 AND 7 ARTICLE VIII. IRWIN

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